

## MINUTES OF THE DEVELOPMENT REVIEW COMMISSION JUNE 8, 2010

Harry E. Mitchell Government Center  
Tempe City Hall - City Council Chambers  
31 E. 5<sup>th</sup> Street, Tempe, AZ 85281  
6:00 PM (5:30 Study Session)

### Commission Present:

Vanessa MacDonald, Chair  
Mike DiDomenico, Vice Chair  
Stanley Nicpon  
Monica Attridge  
Dennis Webb  
Paul Kent  
Peggy Tinsley

### Commission Absent:

Tom Oteri  
Mario Torregrossa  
Kolby Granville

### City Staff Present:

Lisa Collins, Deputy Development Services Manager  
Steve Abrahamson, Planning & Zoning Coordinator  
Ryan Levesque, Senior Planner  
Shawn Daffara, Planner II  
Lisa Novia, Administrative Assistant II

Chair MacDonald called the meeting to order at 6:00 p.m., which included the introduction of the Commission and City staff. It was determined at the Study Session that Item Nos. 2 and 3 would be heard and Item Nos. 4 and 5 would be placed on the Consent Agenda.

### 1. **CONSIDERATION OF MEETING MINUTES: 5/25/10**

On a motion by Commissioner DiDomenico and seconded by Commissioner Nicpon, the Commission with a vote of 6-0 (Commissioner Attridge abstained) approved the minutes of the May 25, 2010 meeting.

### **CONSENT AGENDA**

4. Request for **FURNITURE ROW (PL100091)** (David Sellers, LGE Design Build, property owner; Larry Fore, Furniture Row Companies, applicant) consisting of a one-story building prefabricated metal building with four retail furniture tenants in approximately 73,588 s.f., on +/- 5.09 net acres, located at 8515 S. Emerald Drive, zoned RCC, Regional Commercial Center District in the Southwest Overlay District. The request includes the following:

**DPR10058** – Development Plan Review including site plan, building elevations and landscape plan.

STAFF REPORT: [DRCr\\_FurnitureRow060810.pdf](#)

5. Request for **ZONING AND DEVELOPMENT CODE AMENDMENTS (PL100051)** (Development Services Department, applicant) consisting of changes with the Zoning and Development Code regarding drive-through facilities; charter schools; paved surfaces; meeting/decision notices; directional signs; and modified definitions for recreational vehicle, tobacco retailer, and trailer. The request includes the following:

**ZOA10002 – (ORDINANCE NO. 2010.17)** Code Text Amendment for Sections 1-208, 3-102, 3-202, 3-302, 3-408, 4-502, 4-602, 4-903, 6-302, 7-119, and 7-121.

STAFF REPORT: [DRCr\\_ZDCamendments\\_060810.pdf](#)

On a motion by Commissioner Nicpon and seconded by Commissioner Tinsley, the Commission with a vote of 7-0 approved the Consent Agenda as recommended in the staff reports.

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### **REGULAR AGENDA**

2. Request for **THE APARTMENTS AT LAKES TOWNE CENTER (PL100035)** (Rural Baseline Two, LLC, property owner; Charles Huellmantel, Huellmantel & Affiliates, applicant) consisting of a new 224 unit residential apartment complex within 132,000 sf. total building area on 10.07 acres, located at 577 East Baseline Road in the PCC-2, Planned Commercial Center General District. The request includes the following:

**DPR10046 –** Development Plan Review including landscape plan.

STAFF REPORT: [DRCr\\_AptLakesTowneCenter\\_Landscape\\_060810.pdf](#)

### **CONTINUED FROM MAY 25, 2010 HEARING**

This case was presented by Ryan Levesque and represented by Charles Huellmantel, applicant.

Mr. Huellmantel made a brief presentation regarding the modifications that have taken place to the landscape plan since the previous meeting. He indicated that they do not believe the green screen concept would be the best solution to screen the neighbor's residences from the proposed development. Green screens are not designed for the type of application needed in this situation. The applicant proposed the Glossy Privet due to its hedge-like, dense growth and screening ability, which will provide both a visual and sound screen.

Chair MacDonald opened the hearing for public input.

Three citizens spoke with concerns regarding the grade of the site, location of the trash dumpster and the type of screening and foliage proposed to be used between the development and the homes to the south.

Chair MacDonald closed the hearing to public input.

Mr. Huellmantel spoke to the concerns expressed by the neighbors. He indicated that the grade of the site is determined by the Engineering Division and many factors are taken into consideration when determining the final grade. In regards to the location of the trash dumpster, he indicated that although that is not up for consideration in this meeting, they are amenable to trying to find another location that would work for the site as well as the neighbors.

Mr. Huellmantel stated that although the neighbors are concerned with the Glossy Privet, they believe it to be an effective solution to the screening issue. The Sour Orange is also very similar and the applicant would be happy to substitute with that species as well. It was indicated in a report from the Forest Service that the Glossy Privet has surface roots and in the category of invasive potential, it is rated as little, if any. As indicated previously, the green screen is not intended for this type of use and it is not the best solution for this location. Mr. Huellmantel was not clear if there were berries associated with this plant but did state that he believed it did flower at some point.

On a motion by Commissioner Webb and seconded by Commissioner Nicpon, the Commission with a vote of 7-0 approved the landscape portion of this Development Plan Review with modified conditions of approval as recommended in the staff report.

3. Request for **MEMO'S CAFE (PL080109/RVK10001)** (Ramez Rabata/Memos Cafe, applicant; Red Mountain Retail Group, property owner) to appeal the Hearing Officer's Decision of April 6, 2010 to revoke the Use Permit. Memo's Café is located at 1845 East Broadway Road, Suite No. 9, in the CSS, Commercial Shopping and Services District. The request includes the following:

**RVA10001** - To appeal the revocation of a Use Permit to allow a hookah lounge/tobacco retailer.

THIS CASE WAS CONTINUED FROM THE MAY 11, 2010 MEETING

STAFF REPORT: [DRCr MemosAppeal2 060810.pdf](#)

This case was presented by Shawn Daffara and represented by Ali Homs, Engineer.

Mr. Daffara made a brief presentation regarding the history and timeline regarding the approval of the Use Permit and plan submittal process for this case.

Mr. Ali Homs, as the new engineer for this case, made a brief presentation regarding history and communication breakdown between the tenant and landlord. He indicated that the first architect had a disagreement with the landlord which left Memo's in violation with the Conditions of Approval. He stated he would submit new tenant improvement plans to fulfill the building permit requirements by June 10th. He then asked the Commission for a continuance.

Chair MacDonald called to the public and with no one who wished to speak on this case in the audience, the Chair closed the hearing for public input.

Commissioner DiDomenico stated there is no hardship to them as the business is still in operation. Would like to see the Commission vote on the appeal and does not wish to see this case continued.

Commissioner Nicpon would like to see the case continued to a date certain to give the applicant a chance to finish the process.

Commissioner Kent agreed with Commissioner DiDomenico and would support the Hearing Officer's decision to revoke the Use Permit.

Commissioners Webb and Tinsley also indicated they would support a continuance.

On a motion by Commissioner Tinsley and seconded by Commissioner Nicpon, the Commission with a vote of 4-3 (Commissioners DiDomenico, Attridge and Kent opposed) voted to continue this case to the June 22, 2010 hearing.

**6. ANNOUNCEMENTS - None**

The hearing adjourned at 7:25 p.m.

Prepared by: Lisa Novia, Administrative Assistant II  
Reviewed by: Lisa Collins, Deputy Development Services Manager

A handwritten signature in black ink, appearing to read "Lisa Collins", written in a cursive style.

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Lisa Collins, Deputy Development Services Manager